IN THE HIGH COURT OF JUDICATURE AT JABALPUR (M.P)

W.P. No. 4934 OF 1999

PETITIONERS

1. State of Madhya Pradesh through the Secretary, Public Health & Family Welfare Deptt. Mantralaya, BHOPAL. (M.P)
2. The Director Health Services, Government of Madhya Pradesh, Satpura Bhavan, BHOPAL (M.P)

VERSUS

RESPONFENTS

1. Dr.Rajnikant Verma, S/o Late Shri Rajkishore Verma, aged about 48 Years, Asstt. Surgeon, Sardar Patel Hospital, BILASPUR.
2. Dr.V.K.Verma, S/o Shri R.N.Verma, Asstt. Surgeon, Sardar Patel Hospital, BILASPUR.
3. Dr.A.P.Rai S/o Shri D.L.Rai, aged about 50 Years, Asstt.Surgeon, Sardar Patel Hospital, BILASPUR.
4. Dr.G.L.Arora S/o Late Shri Narayan Singh, Aged about 50 Years, Asstt. Surgeon, Sardar Patel Hospital, BILASPUR.
5. Dr.N.K.Samdariya S/o Shri B.L. Samdariya, aged about 48 Years, Asstt.Surgeon, Sardar Patel Hospital BILASPUR.
6. Dr.(Smt) M.Samdariya W/o Dr.N.K. Samdariya, Asstt.Surgeon, Aged about 46 years, Sardar Patel Hospital, Bilaspur.
7. Dr.N.C.Thew rani, aged about 50 years Asstt.Surgeon, P.H.C, Ratanpur, BILASPUR.
8. Dr.(Kum.) N.Bakhru D/o Shri T.M. Bakhru, aged abo-ut 45 years, Asstt. Surgeon, Sardar Patel Hospital, BILASPUR.
9. Dr.(Smt.) Nalini Singh W/o Dr.S.D. Singh, Asstt.Surgeon, P.H.C.Gaurella, BILASPUR,
10. Dr.(Smt) Anjali Chipde, W/o Shri A.V.Chipde, aged about 45 years Asstt.Surgeon, P.H.C. Gaurella, BILASPUR.
11. Dr.C.L.Chandrakar S/o Shri M.L. Chandrakar, aged about 50 years Asstt.Surgeon, P.H.C., Gaurella, BILASPUR.
12. Dr.S.K.Verma S/o Shri S.P.Verma, aged about 45 years, Asstt.Surgeon, P.H.C., Bilha, BILASPUR.
13. Dr.(Smt) Sunita Verma, W/o Dr.S.K. Verma, aged about 35 years, Asstt. Surgeon, P.H.C., Bilha, BILASPUR.

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14. Dr.R.P.Rathore,S/o Shri R.N. Rathore,aged about 35 years, Asstt.Surgeon,Leprosy Unit, Champa,BILASPUR.

15. Dr.(Kum) G.B.Yadav D/o Late Shri P.N.Yadav,aged abpit 45 years, Asstt.Surgeon,Family Planning Training Centre,BILASPUR.

16. Dr.(Kum.) Sushila Rao D/o Shri P.C.Rao,aged about 48 years,Asstt. Surgeon,Family Planning Training Centre,BILASPUR.

17. Dr. G.Prabhakar Naidu S/o Late Shri G.L.Naidu,aged about 45 years Asstt.Surgeon,P.H.C.,Pali, BILASPUR.

18. Dr.Bishweshwar Ray S/o Late Shri S.Ray,aged about 50 Years,Asstt. Surgeon,Sardar Patel Hospital, BILASPUR.

19. Dr.K.K.Shukla,S/o Shri M.P.Shukla, aged about 48 years,Asstt.Surgeon, Sardar Patel Hospital,BILASPUR.

20. Dr.H.K.Dua,S/o Shri Deshraj Dua, aged about 46 years,Asstt.Surgeon, through Chief Medical & Health Officer,BILASPUR.

21. Dr.P.K.Tiwari S/o Shri V.R.Tiwari, aged abou t 46 years,Asstt.Surgeon, Sardar Patel Hospital,BILASPUR.

22. Dr.L.P.Bajaj S/o B.L.Bajaj,aged about 59 years,Retired Asstt. Surgeon,183,Ajay Nagar,BILASPUR.

23. Dr.P.C.Gupta,S/o Shri P.L.Gupta, aged about 53 years,Asstt.Surgeon, Sardar Patel Hospital,BILASPUR.

24. Dr.A.V.Chipade S/o Shri V.N.Chipade, aged about 50 years,Asstt.Surgeon, through C.M.& H.O. BILASPUR.

25. Dr.V.N.Dubey S/o Late Shri D.P. Debey aged about 40 years,Asstt. Surgeon,P.H.C., Pali,BILASPUR.

26. Dr.M.A.Bhabha S/o Late Shri Bhabha aged about 46 years,Asstt.Surgeon, Mini P.H.C., Funga,SHAHDOL.

27. Dr.G.Venkatash aged about 51 years Asstt.Surgeon,Health & Family Welfare Training Centre,BILASPUR.

28. Dr.D.R.Singrol S/o Late Shri A.R. Singrol,aged about 39 years,Asstt. Surgeon,P.H.C,Bamhanidih,BILASPUR.

29. Dr.V.P.Singh S/o Late ShriG.N. Singh,aged about 47 years,Asstt. Surgeon,P.H.C,Jayjaipur,BILASPUR.

30. Dr.Anil Gupta, aged about 48 years, Asstt.Surgeon,Lormi,BILASPUR.

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31. Dr.J.L.Shrivastava S/o Shri L.L. Shrivastava,aged about 46 years Asstt.Surgeon,P.H.C,Masturi, BILASPUR.

32. Dr.M.C.Diwan,aged about 55 years, Asstt.Surgeon,P.H.C.,Takhatpur, BILASPUR.

33. M.P.State Administrative Tribunal. Principal Bench through the Registrar, JABALPUR.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

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HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

(DIVISION BENCH)

Coram: **HON'BLE SHRI H.L. DATTU CJ &**
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 4934 OF 1999

State of M.P. and another

Vs.

Dr. Rajnikant Verma and others

Present:

For the Petitioners : Shri Vinay Harit, Dy. Advocate General

For the Respondents : Shri Alok Bakshi, Advocate

ORAL ORDER

(Passed on 22nd February, 2007)

The following order of the Court was passed by **H.L. Dattu CJ .-**

Respondents in O.A. No.3835/1993 are the writ petitioners in this writ petition. They are calling in question the correctness or otherwise of the orders passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur.

2. The respondents in this writ petition were applicants in O.A.NO. 3835/1993. Their prayer in the said application was to direct the respondent therein to count their seniority from the date of initial ad-hoc appointment and not from the date of their confirmation. The

Tribunal has disposed of the application and while doing so has observed as under :

> "For the foregoing reasons this petition be and is hereby disposed of finally with the direction and the respondents shall scrutinize and verify the aforesaid memos from their own record and consider the case of the applicants in the light of the decision passed in OA No.486/89 in the case of M.P. Rajpatrit Adhikari Sangh vs. State of MP decided on 16.8.1992 and extend the benefit of the said decision to the applicants regarding the claim of their seniority."

3. Aggrieved by the aforesaid order and directions issued by the Tribunal, the respondents in the said application have filed the writ petition.

4. Learned counsel appearing for the petitioners would submit that the orders passed by the Tribunal in O.A.No. 486/89 in the case of M.P. Rajpatrit Adhikari Sangh Vs. State of M.P. was the subject matter of Civil Appeal No. 5350/1993 before the Apex Court. It is further submitted that the Apex Court has reversed the findings and the conclusion reached by the State Administrative Tribunal in O.A. No. 486/89. The assertion so made by learned counsel appearing for the petitioner is not disputed by learned counsel appearing for the respondents.

5. In our opinion, at this stage what can be done by us is only to direct the petitioners to consider memos said to have been filed by the respondents seeking certain benefits in accordance with law and keeping in view the observations made by the Apex Court in Civil Appeal No.5350/1993 decided on 13.8.1997 as expeditiously as possible, at any

rate, within six months from the date of receipt of a copy of this Court's order. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastav
Judge